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SECOND EDITION.

M' NAUGHTEN.

A LETTER

TO THE

LORD CHANCELLOR,

UPON

INSANITY,

BY

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M.R.C.S., L.A.C., &c. &c.

LONDON :

JOHN CHURCHILL, PRINCES STREET, SOHO; HOOKHAM,
OLD BOND STREET; AND J. Q. RUMBALL, 3, KING-
WILLIAM STREET, STRAND.

1843.

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"Star Press,"  
20, Cross Street, Hatton Garden,  
J. TURNER.  
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ROYAL COLLEGE
OF
PHYSICIANS
OF
LONDON

INTRODUCTION.

The Public has a right to know the pretensions of any man, publishing novel or important views upon any particular subject. It will be scarcely thought uncalled for, if the Author state, that for more than thirty years, he has had either personal or medical charge of the Insane: that in the year 1820, he studied at Bethlem as pupil to Dr. Monro and Sir George Tuthil; that the latter frequently deputed him to attend Patients of the very highest rank, whose residences in the country or abroad, precluded his personal presence; that since that period, he has constantly had one or more patients at his own table, companions in his walks, amusements and occupations; and has thus possessed the means of becoming acquainted with those minute shades and characters of a complaint, which seem as yet to have baffled the skill of the wisest.

When at Bethlem, the Author was also pupil to Dr. Spurzheim; the novelty of the doctrines of Gall, startled, but did not convince him. He felt however, that he could readily put them to the test; and that if cranial conformation had anything to do with natural disposition, the heads of those whose “bridles were off” would be the most likely to prove it; and to settle the point, he took eighty portraits of Patients, labouring under specific forms of Insanity.—*In every instance the particular nature of the disease was written as plainly on the head, as in the Physician's books.* Since then he has had ample opportunities of publicly proving the truth of Phrenology, as well as its immense value in the treatment of Insanity. At Gloucester, he was taken round the Asylum, and requested to

declare, from an examination of their heads, the particular delusions, under which several Patients laboured. And the following extract from a letter of the present Superintendent exhibits the result: “in all the characters I submitted to the test of Phrenological scrutiny; you were accurate in your description of them, to an extent which I was surprised at.” At the Prison, the Science was tested in the presence of the Surgeon, John Wilton, Esq., and the Governor, Captain Mason. The following is a copy of the notice entered in the day-book of the Prison:—

“Mr. John Wilton, and the gentleman who is lecturing on heads came here;—I had some of the Patients into the Committee room for his examination; he was not out in a single instance.”

Twenty years since, the Author wrote the definition of Insanity, embodied in the following pages; the experience of half a life has confirmed its truth. The means suggested for the protection of the public from the madness which seeks its destruction, may possibly be considered harsh; but when the Author claims for himself and his late Father, the merit of introducing the present non-restraint system; taking their Patients into the green fields, mid banks and braes, and woods where wild flowers grow, “Locks, bolts, and bars, all rent asunder,” when he can point to several instances, where those who have been cured by him have returned to reside as boarders; he little fears that the advocacy of stern justice upon the criminal, should be thought to involve severity to the Patient; or that he who would prevent crime, would punish infirmity. In treating this question Phrenologically, no excuse is required; most of the Superintendents of our Public Asylums are Phrenologists. Hanwell, Gloucester, Glasgow, Leicester, Nottingham, and Maidstone are thus governed; in them, the spirit of improvement, of amelio-

ration to the Patient in his physical treatment, and philosophy in his cure, is alone apparent; whilst the two great National Establishments of Bethlem and St. Lukes, for years have uttered no sounds, but the melancholy ones that escape from their grated windows; if we except the voice which lately pronounced it possible, **THAT A MAN MAY HAVE A SOUND MIND WITH A MORBID DELUSION, TERMINATING IN HOMICIDAL CLIMAX!**

A L E T T E R, &c.

MY LORD,

Your Lordship is about to introduce some measure into Parliament; for the better protection of the public from personal outrage; and for the definite treatment of Insane criminals.

Late circumstances have excited the public mind upon this matter, to an intensity of thought which seeks some pilot for its guide; and it naturally turns to law makers, for information as to what, henceforth, is to be considered the state of mind, capable of arming a man's hand against the life of his fellow, and at the same time, protecting him from the consequences of his act. It demands to know, what Insanity is; and how it is to be dealt with; and this it asks of the Judge, the Counsellor, the Philosopher, and the Physician. The confused evidence of the latter, as daily given in courts of justice, is but a practical exposition of the ignorance of the Metaphysician; and when Mr. Alexander told a late Lord Chancellor, that Insanity "never was defined and never could be," a late Commissioner of Lunacy, (Mr. Phillimore) must have learnt his lesson; for in my hearing, he declared that "a man was not mad when he believed his delusion to be true!!!" It is also within my recollection, that Sir James Scarlett said, that every man was mad upon some point or other. Pope could not draw the line, tho' he felt there was one--

"Great wit to madness is so near allied,
That thin partitions do the bounds divide."

Whilst Shakspeare had perfect mania, and not partial Insanity in view, when he makes Hamlet exclaim:—

"It is not madness
That I have uttered; bring me to the test,
And I, the matter will re-word; which madness would
gambol from."

If then, we look in vain to the Poet for information, we shall derive as little from the Philosopher.

Locke (Bk. II., Chap. IX., § 13,) says, that "madmen do not appear to have lost the faculty of reasoning, but

having joined together some ideas very wrongly, they mistake them for truths, and they err as men do who argue right from wrong principles." "But there are degrees of madness as of folly." So far so good, but when he attempts a definition he fails; for example—"herein lies the difference between idiots and madmen; that madmen put wrong ideas together, and so make wrong propositions, but argue and reason right from them; but idiots make very few or no propositions, and reason scarce at all," thus, he evidently confounds himself and his readers; for the idiot can neither eat, walk, act, or speak, without putting together *many* propositions, and even, if he only put a few, the definition is worthless from want of precision; it is equally certain that the raving maniac "reasons scarce at all."

Spurzheim thought that Insanity consisted in "an aberration of any sensation or intellectual power from the healthy state, without being able to distinguish it; or without the influence of the will on the action of the feelings; in other words the incapacity of distinguishing the diseased functions of the mind, and the irresistibility of our actions, constitute Insanity." This definition altho' closely approximating to the truth, excludes all cases of irresistibility of action unaccompanied with delusion; cases, where men are mad and know it; where they lament, but cannot resist; murder without a motive and throw the odium on the devil within. Wright of Wolverhampton, was a madman of this class; he drowned his only child; he was strongly attached to it, and could assign no motive beyond the uncontrollable impulse; he was consequently confined, but no delusion being detected, they set him free. In one short year he placed his wife upon the fire, and hung himself!—In the Forest of Dean, a man rose from his scanty breakfast, stating that he must look for work. "Do Father," said his daughter, "or we shall have nothing to eat soon." "Ah! Ann, you know not how much I love you," was the reply. He left the cottage—she followed,—an axe lay by,—he took it,—and clave her to the chine!

At Cheltenham and Penzance, I professionally attended two patients, an old lady, and still older man, past seventy, both. Each had formerly set an example of Christian piety, purity of expression, and delicacy of conduct; but, as age destroyed the balance of power; blasphemy, and

passion, violence and self reproach, attested the "irresistibility of their actions," and the absence of delusion; thus destroying the accuracy of the definition of Dr. Spurzheim.—In Devonshire a whole family of five persons committed suicide: and when, six months after I had discontinued my attendance at Bethlem, my father told me that he had read in the paper that one patient had slain another; I immediately replied, then Walsh has killed Lennard; which was the fact. Out of two hundred patients I could at once point to the one whose homicidal propensity was most likely to seek gratification, and from ample experience I knew its probable object. These cases sufficiently prove that Dr. Spurzheim's conjunction is imperfect;—spoils his definition, and shews that irresistibility of action, may coexist with the possibility of distinguishing the diseased actions of the mind.

Dr. Conolly thus defines Insanity; "an impairment of one or more of the faculties of the mind, accompanied with, or inducing a defect in the comparing faculty." The objections to this definition are evident. If the comparing faculty be defective, it should shew that defect whatever be the objects of comparison: but a madman "knows a hawk from a hernshaw." He distinguishes differences and resemblances, as perfectly as ever; he mistakes not stones for bread, nor fire for ice, unless either of these should constitute his peculiar delusion; and in all matters unconnected with his disease, he often exhibits an acuteness of analysis, and readiness of wit, the results of sympathetic excitement, greatly beyond his healthy powers. In examining the delusion only, his reason fails, not because comparison is weak, but the subject impervious. Let a man's fear be strongly and permanently excited; join marvellousness to this, in functional disease, and to him, spiritual essences become real existences; the power of comparison between all healthy feelings remains untouched; the sun, the sky, the earth and all that them inhabit, retain their usual, and comparative appearances; all forms and colours, all acts and consequences, their fair proportions; in these, the elements of judgment are undamaged, the powers of judging unimpaired, and save when thick coming fancies "call spirits from the vasty deep," and answering the summons, "they do come when they do call them;" except in the attempt to compare healthy with diseased functions, the mind is strong as ever; but strike

the unhealthy chord, rouse up wonder, and then awaken fear, he can no longer accurately compare, because truth has no community with error. The change that has occurred may be understood, if we suppose that a man's feelings could in health, be all of equal value: (we will call this value ten;) but from disease, in some portion of the brain, one or more faculties have been excited; (say to twenty;) now he has no inward vision, no means of looking into the workings of his own brain, and so he mistakes new feelings for old; values them as before whilst all the world sees that they are doubled, "reasons right therefore, upon wrong premises," and acts in error believing it to be truth. The passionate man does this, and we distrust him in proportion to his heat; we tell him that he is not in a condition to form a correct judgment; we doubt his narrative altogether, suspect his conclusions, and even in mere matters of fact, turn to some by-stander, and bid him to state them, for our friend is excited.

The drunken man passes through every stage of Insanity, from simple excitement to raving madness, imbecillity and death; in all these cases, there is no defect in the comparing power until the whole brain is diseased; the reflective powers are always the last to fail; but the value of excited feelings can never be estimated by the person affected, and a discrepancy ensues between the fact and the inference; false propositions are made, false judgment formed, and false conduct follows. Moreover, impairment is not excitement, and *Insanity is always excitement*; therefore does Dr. Conolly fail to define it. His definition includes Idiotism, Apoplexy, Fainting, Sleep, mere Stupidity, any defect in fact, short of perfect humanity.

Dr. Thorburn, believes Insanity to consist in "an excitement of one or more faculties with a loss of balance," to which I object; simply because this takes place in every case of common excitement, however trifling; it includes every kind of passion, prejudice, genius, eccentricity, and all cases of feeling, whether intense or modified.

Dr. Mayo, in his pathology of the human mind, declines to define Insanity; but states (page 9) that "the will gradually loses its efficacy in combating the trains of painful thoughts, and gradually sinks overpowered," (page

10,) "In the Insane, the unsubjected state of their moral impulses to the will, may easily be recognized." Here, will and free will are confounded, and the opposition of will to wish as a constant result assumed; the Dr. sees not that the acting upon a wish constitutes will as much as the opposition to it; and although his book is a philosophical addition to those previously published, and takes an immense stride in advance of them, the definition is faulty. In Insanity the impulses are *always*, the will *generally* too strong. Dr. Andrew Combe (page 217, Mental Derangement) thinks it absurd to attempt to frame "one definition inclusive of all the organic causes of Insanity," and yet admits that "definitions are constantly sought after in civil and criminal cases by Lawyers and by Judges;" but believes it to be "beyond the power of man to invent the brief description which shall describe the various cerebral affections whence Insanity originates." It were waste of time to investigate further the opinions of older writers upon the matter; thirty years have scarcely elapsed since Insanity was considered a purely *mental* disease. The immortal soul of man, the reflex of Omnipotence, was considered capable of suffering all those ills which flesh alone is heir to; and they who denied that it could die, fancied that it might be sick; to such authorities we look as vainly for any mental philosophy, as we do to anatomical brain slicers for Physiology; or to Physicians who can understand the possibility of partial Insanity occurring in *one* brain manifesting *one* spirit, for a history of the disease, or anything but empirical treatment of it; and here at once I throw the gauntlet down; I call upon every man who has studied Insanity to come forward, and state if a man may not have some of his perceptions and feelings diseased, and the whole of the remainder *perfectly* in health. I ask him to say if the soul can be diseased, if aye, why then let him shew me some instance of it; if he succeed in this, I then demand that he explain how a *part* of an immaterial spirit can be diseased, part still well! But if he have progressed with the age, if he allow Insanity to consist in cerebral disease, functional or organic; I then beg of him to inform me, how it is possible that the brain should shew this disease only in one direction; how the same brain and the same soul, can embrace the whole horizon of action, except one dark spot, and yet the spot be not in the horizon, but the

brain. How the cracked glass can exhibit no flaw, but when directed to one particular point of the compass; and why, if the whole of the brain act in every mental operation, any disease or defect of that organ should not shew itself in the whole of its functions?

My Lord, the time is come for calling the attention not only of Medical men, and Lawyers, but of Law-makers and the State itself to this question. There is not a man in the country, who does not feel that the late decision was a legal, but not an equitable one; that a foul murder has been done, and that justice is unsatisfied; that those whose profession it is to study Insanity are ignorant of its essence, and that those who have to apply the law to mental alienation know not how to deal with it; and I call upon your Lordship, and the united legislature, before you attempt a settlement of the question, to consult that system of psychology, which has for fifty years been striking its roots into the ground; a plant too conspicuous to be overlooked, of too large pretensions to be despised, and whose results for good or evil must ultimately change the moral philosophy of the world. In submitting my own views on this subject to your Lordship, I shall consider Insanity Phrenologically. I shall look at the mind in its unhealthy manifestation, and examine its morbid movements. This will be a test which must infallibly do one of two things; either it will establish the truth of Phrenology beyond all cavil, or find out its weakness and expose its absurdity; for be it remembered, that whatever may be the case with other sciences, *Phrenology admits of no exception*. Every Phrenologist agrees with his great master, and will give up the whole system the moment one clear, positive, well defined exception to its principles, and as far as I know to its practice, can be proved. He has a right on the other hand to consider the science as not only reasonable but true, if it can be shewn that no state of mind, healthy or diseased, stands in opposition to any one of its doctrines, but is by *it*, and *it* only explained or understood;

In order to obtain a clear knowledge of the subject I propose---

- 1st. To shew what Insanity is NOT.
- 2nd. What it is.
- 3rd. To illustrate it by particular cases.
- 4th. To deduce thence a true definition of the disease.

This being briefly done, I shall enquire whether man has the abstract right to put his fellow to death; and I invite your Lordship to consider if it be still expedient to exercise this right as part of the law of the land, and if so, I will attempt to shew the state of mind which should alone exempt from its infliction.

I. WHAT INSANITY IS NOT.

Mere delusion does not of necessity constitute a Lunatic; jealousy is not unfrequently a complete delusion; but however small the cause, the jealous man is not accounted mad.

Fear magnifies and deludes, but the timid and the terrified are not therefore Insane.

Who so deluded as the coxcomb? Who so deceived as the fanatic, whether in politics or religion? Yet no one calls him a Lunatic.

Confusion of mind is a constant attendant upon old age; darkness deceives the keenest sense; imperfect information the strongest mind. But Insanity is none of these.

Neither is a passionate man Insane, until his passion has arrived at a certain point; nor is a drunkard mad within certain limits; what constitutes the thin partition which separates wit from madness, will presently be shewn. I was not mad because at night I created a ghost out of a milestone; but I should have been mad, if with the light of the sun upon it, I still persisted in my error. Man may be jealous of man, but he who should seek a divorce, for supposed infidelity with an impossible object, would be defeated on the plea of Insanity. A man is not mad however greatly he may err, who knows that he is in a passion, and consents to be so considered; but he is mad "*ira furor brevis est*" so soon as he denies the premises; and being enraged, demands for his deductions the credit of coolness. Intensity of feeling may exist then to a great extent, and error of judgment to a still greater, without any imputation emanating thence upon a man's sanity; but the moment the passion from being *uncontrouled*, becomes *uncontroullable*, the instant a delusion is credited, not because of imperfect information, but in defiance of palpable and present contradiction, at that point sanity ends, and Insanity begins.

To render this more clear; if a drunken man be about

to commit some outrageous folly, we endeavour to reason with him; finding him "deaf to the voice of the charmer, charm he never so wisely;" we appeal to his feelings, speak to him of the danger of the act, the probable punishment, loss of character, of time, money, self respect, and reputation; we ask his benevolence, his conscientiousness, and religious feelings, to sit in judgment upon the premeditated act, whether it be one of unprovoked assault, or sensualism; and upon finding that his excited feeling is incapable of submission to the whole of the intellectual and affective powers which we suppose him to possess, we declare him mad, and hesitate not to ask assistance, seize him, and bind him if need be, until his sanity return; and mad he undoubtedly is. So long then as a man can subject his delusions to the correction of his own understanding, he is not mad; but he is mad the moment the delusions refuse to be so controlled. So long as his feelings, however intense, can be antagonised and conquered by other feelings, whether fear or affection; so long is he sane: but the moment a man loses all self controul; when in his passion he outrages decency, wrongfully attempts life, and does that which in his cooler moments he would shudder at; the reproach of the poet cleaves to him; however brief the period, he is nevertheless beside himself, and mad with rage is no hyperbole.

Intoxication removes the curb, destroys self controul, and is to all intents and purposes, while it lasts, Insanity in its only disgraceful form.

A decided and evident want of self controul then, seems to constitute the essence of Insanity; let us test this further. The recorded instances of delusion upon every point of human comprehension are sufficiently numerous and notorious, to warrant me if I thought fit, in omitting to state them, but as the distinction I am endeavouring to establish, will be well illustrated by cases, I will refer to a few. A Lunatic in France believed that he had joined in condemning Louis XVI. to the scaffold; that he was in fact a regicide; nothing would appease him, but a promise to try him for his imaginary crime; a *mock* trial was instituted, evidence taken, his innocence proved, and an acquittal pronounced. This "cleansed his stuffed bosom of the perilous stuff which weighed upon the heart, razed out the written troubles of his brain," and gave him back himself.

Another believed that he had been beheaded in the revolution, but accounted for his present existence by supposing that some other person's head had been fastened to his neck; he never admitted it to be his own.

An old lady in Holland believed herself to be a hen, put three Dutch cheeses into a basket and sat upon to hatch them. One person fancied himself made of glass, and moved not lest he should be broken: he was already cracked. And it is told of another that he imagined himself a barley corn, and kept in the house lest the hens should eat him. These are pure cases of Hypochondriacism, not called Insanity unless they produce Insane conduct, and solely for this reason; the delusion of the Hypochondriac has reference to his own internal feelings; to him all sensations are truths, and painful ones; he errs in attributing them to causes which exist not, organic changes which have not occurred; but as there are no possible means of convincing feeling by reason, you cannot prove his sensation to be fallacious, so the disease is called by the milder term. Of all the delusions not resulting from organic disease, but produced by strong mental impression, that recorded of a French criminal is the greatest; the man was condemned to death, and permission was obtained by his Physician to test by experiment the utmost effect on life that imagination could exercise; pardon being promised should he survive. He was accordingly told, that he was to be bled to death in prison. Thankful for this mitigation of his sentence, he willingly allowed his eyes to be bandaged, and his arm tied up; a slight scratch sufficient to deceive him, was then made over the vein, and some warm water gently trickled on the spot; believing that the stream of life was flowing, the patient sickened, fainted and died, without losing one drop of blood or receiving any other injury than that inflicted by his own terror.

Most of the above cases are really instances of mental alienation, but not so called because plausibly excited, the result of ignorance, and for the most part not indicating organic disease in the brain. But true Insanity ever embraces objects external to the patient's own person; a cobbler believes himself to be a king; a rich person commits suicide to avoid the workhouse; a man steeped to the chin in poverty believes himself the master of boundless wealth; all these "may reason right," but their pro-

positions are false, and all men recognize their Insanity; so is he mad who fights all around him without design; not as a means to an end, but as the end itself, whether excited by passion for a time, or permanently by disease, or by drink, or fanatacism. The only difference between such a one and a lunatic, consists in the temporary nature of the exciting causes, not in the effect produced; in each case an excitement of some portion of the brain, organic or functional, destroys in the individual the power of ascertaining the truth of his ideas or sensations, or of controuling his conduct. He is mad not because he thinks differently, or feels more intensely than other men, but because all the ordinary, and extraordinary motives to human action fail to arrest an impulse; because the evidence of the senses themselves are insufficient to remove a delusion; some of the mental faculties are excited beyond the controul of reason or feeling, and my definition embodies this. It is as follows:

INSANITY IS THE EXCITEMENT OF ANY OF THE MENTAL FACULTIES, BEYOND THE CONTROUL OF THE REMAINDER.

Idiotism is not Insanity; there is no excitement of any faculty above the rest, but a defect in the controuling powers whether moral or intellectual; the propensities are commonly as strong or nearly so as in ordinary men, but the portions of brain manifesting the reflective and moral powers, are so deficient, that when appealed to, their united forces are unable to controul the passions. Idiots never had, and Lunatics have lost self controul, or the power of willing contrary to wish; they are the victims of necessity, deprived of self government, *and to the extent of their disease*, irresponsible for their actions. Where I writing a treatise on Insanity, instead of a mere letter bearing upon a particular point of jurisprudence connected with it, I should shew that man's free will is legitimately deducible from the above premises; for a man is not mad till he has lost it, he cannot have lost what he never had, therefore all the vast chain of human beings, the first and last link of which are held by the Lunatic and the Idiot; possess free will: the question of degree belongs not to the present subject. Having shewn what Insanity is, I now proceed to examine how it may be dealt with, when it leads to acts inconsistent with the welfare of society, and especially when it is found to endanger life, or destroy it.

With this view it will be well to examine the grounds upon which man assumes to himself power over the life of his fellow man; and here I apprehend there will be little difference of opinion. Man is an omnivorous animal; the desire to destroy is as much a part of his nature, as it is of the tiger, or the lion; its objects are the same, the destruction of life for food, of savage animals for safety; to drive the tiger from his jungle, the lion from his lair; to offend when he can no otherwise defend, to save life by taking life; even though in that life a human soul may dwell, and God see his own image. All individuals have in all times claimed for themselves this right of offensive defence; but in civil communities, individual possessions are conceded for public good; and men surrender their birthright to that central body by which the reins of government are held. It matters not by what name this focal power may be known; whether it be monarchical, democratical, despotic, or divided; no government *can* possess any abstract right which was not in, and conceded by, each individual, composing the aggregate of which it is the expression and the part; the "right divine of kings to govern wrong," is a sophism which is buried in our fore-father's graves, and by whatever power laws are made, protective, or inflictive, beyond cumulative individual concession, there justice is forgotten, and tyranny established. No government can justly punish in mass, what would not be wrong in detail, or denounce as criminal, what is not abstractedly vicious; but every government may have delegated to it as many individual rights as may be thought beneficial to the mass; and if I have a right to defend my life by taking that of my enemy, I have an equal right to delegate that power to another; *Qui facit per alium, facit per se*; and even though a defeated assassin *has been foiled*, and from the first attack my life is no longer in danger; the animus which counselled one assault, may dictate two, and under ordinary circumstances my life is not secure, so long as my enemy is at liberty to renew his attack upon it. I am therefore justified in putting it out of his power to harm me more. Substituting government for myself in this matter, I waive no right. I simply ensure that wisdom which is said to inhere in a multitude of counsellors; and remove (or ought to remove) the possibility of a judgment founded upon passion or prejudice, having personal motives, instead of general good, for its object.

Nor does it abstract from the value of this delegated authority; that the forms of trial in a christian land, require time, in order that they may ensure truth. If life for life be as expedient, as it is assuredly by common consent an abstract right, the sword of justice should not be uncertain because it is slow. But my Lord, there are cases when—

“Summum jus summa injuria.”

Only in the wilderness, or in the semi savage state, does man consecrate revenge, and call it virtue; by civilized nations, and above all christian ones, (though I believe these are synonymous; civilization if it be not christian is but a pretence,) among all people who recognise the truth of the first principle of jurisprudence.

“Do to another as you would that he should do unto you.”

Punishment is never considered as retribution, but as preventive, UT PÆNA AD PAUCOS, METUS AD OMNES PERVENIAT.

Let the few be punished, that the many may be terrified, is the very corner-stone of the criminal law of England; if law makers sometimes forget it, philosophers must not, and when any punishment can be shewn not to be preventive, it ceases to be expedient. If no longer a means to amend, it produces an unnecessary amount of human suffering; if not useful, the infliction is abuseful, and if it ensure not the object, but defeat it, then it should be repealed. The law inflicting the punishment of Death for any offence, has long been thought to be in this predicament, and abundant reason can be shewn I think why it should be expunged from our Code; I contend then that however inherent as a right,—

THE PUNISHMENT OF DEATH IS NOT EXPEDIENT.

The public mind has been long averse to its infliction, it is felt to be a relic of ferocity, repugnant to human improvements, forbidden by christian doctrine. Criminal legislation in England has for many years, been solely occupied in washing out with tears of mercy, the blood-stained pages of our ancestor's laws. The christian code puts away in most express terms the right to punish:—

“Vengeance is mine, I will repay saith the lord.”

“Put up thy sword; whoso sheddeth man's blood, by man shall his blood be shed.” Quere, *will* be shed? The sentence otherwise contradicts itself, if it were not allowed

to be drawn in defence of Christ himself, I would have *that* object pointed out which will justify its use. The command is universal—it is equally addressed to the soldier, the judge, the king, as to the dark and midnight assassin. However we may dispute a text, the whole intent of Christ's teaching was to take from man, and leave with God, punitory power; and the necessity for this is apparent upon the face of it. Man judges not as God judgeth; he knows not “to whom much has been given, to whom little.” No man can estimate the whole of the circumstances—the provocations, passions, more or less of intellect, the temptations, and weakness of controlling power, which a criminal may have inherited from the sins of his forefathers, and his own lamentable education, “even to the third and fourth generation;” and as no two men were ever equally guilty, in the commission of precisely the same offence—as moreover, what is called crime in one country, is virtue in another, and human laws are as capricious as human opinions—so cannot criminality be measured by the act done, but by the moral responsibility of the agent; the exact amount of which can only be known to God. What would constitute a deep offence in a christian man, would be venial in a savage, sinless in a child; and as no legislature can nicely weigh all the forgone conclusions, so can no government punish, without in every case being guilty of injustice; too much or too little is inevitable. Justice is not even-handed, nor cannot be. Blind she must be, and is.

If these propositions be true in every instance, however trifling, how awfully important do they become, when we reflect, that laws have been made by christian men, who devoutly believe in the efficacy of prayer to turn aside wrath—denying man's intercession for man,—when we remember that not only have men's lives been valued at forty shillings, in a christian land, but that in the reign of a *good* king, and a pious one, so late as the time of George the Third, even in our own day, a woman with a babe at her breast, for stealing a piece of calico, in order to supply the necessaries of life, was hung at Tyburn, by that very law which reduced her to distress, by the impressment of her husband, and sending him to sea, and leaving to the widow and the orphan, no resource but theft; no remedy but death!

Murder thy name is justice!

The murderer, who shoots a man for treading on his toe—he who betrayed Servetus, and burnt him for a difference of opinion—the fiery bigots of the Inquisition—the fierce political exterminator—the hero, who sacks a town—the brutalized soldier, who in revenge of the bravery of an antagonist, ravishes helpless women, fires churches, robs the home, and takes with unsparing hand the lives of babes and sucklings—the gambler, who ruins himself, and generations to come—the seducer, who tramples beauty in the dust—and thousands more, who play such pranks before high heaven, as make “e’en angels weep;” these, not only escape all punishment, but obtain a bad, yet bold pre-eminence among the mighty of the land. Man has been legislated for as a purely *intellectual being*; his desires, affections, feelings have never been regarded—and hearts are daily broken because they have no voice in making the laws that bind them.

If then, punishment can never be perfectly adjusted to the demerits of any case, still it must not be forgotten that there are two parties in the matter—the public and the criminal. If prevention be the law, and the reformation of the culprit the object, protection to the public, is that prevention most imperiously demanded. If capital punishment fail to reform the criminal, does it afford to the community at large, a protection sufficient to warrant its continuance? If it be inexpedient in a moral or religious point of view, I ask—

IS THE PUNISHMENT OF DEATH POLITICALLY EXPEDIENT?

All experience testifies to the contrary. Minor punishments may reform, not only the individual, but deter all those who witness their infliction; but the taking of life emanates from our baser passions, and excites them. The North American holds not back from the fray, because he knows that if taken in the fight, his scalp and life will be tortured away by devilish and cunning ferocity; with whose minutest details he has become intimately acquainted, for he has inflicted them. Like the beast of the forest, he has lapped blood, and would henceforth wallow in it, though that blood should be his own! A passion for slaughter grew out of the thirst for conquest, carried the masters of the world to the pinnacle of power, raised them above all human sympathies, and hardened not only their hearts, but turned into tigers’ dams and

whelps the matrons and the maids. And the gushing forth of life—the crushing of heart and limb—the crunching of bones, or deadly thrusts by wild beasts, or wilder men, ministered to the savage delights not only of a Caligula, a Nero, but also to Rome's best and fairest daughters; and the passion excited in the mother, became henceforth an inheritance to the child. Familiarity breeds contempt. Thus he will dread death least who most often witnesses it. The forcible abruption of life cows the timid, but excites the brave; and many a coward enters a battle field, who comes out of it a gallant man for life. Reality never equals thought. Most objects, whether of our hopes or fears, owe half their bulk to our imagination, and the sure way to induce men to despise a danger, is to strip it of the haze which distance and ignorance lend to it. Ships loom largely in a fog.

But were this not so. Man is an imitative animal. No great crime was ever yet invented, but close and eager copyists appeared. Apathy is impossible, where human passions rage; and the death-struggle of a malefactor excites twenty to crime for one that it intimidates, as the war-whoop of an Indian rouses the ire of the foe, or the bear's growl of defiance excites his rival to mortal combat. If phrenology be true—and that it is, none but those ignorant of its claims deny—then has man within him innate feelings as well as powers: which circumstances excite, but do not make; — external objects legitimately act upon them — misery excites benevolence, praise its appropriate sentiment;—children, that peculiar affection which in the cat preserves her kittens with her life, but fights them from her when they become cats, and no longer need the protecting instinct. Thus physical violence will put into action the prominent powers of each man's mind. In the timid fear will be excited—in the benevolent, pity—in the conscientious, more or less of indignation—in the affectionate and imaginative, more or less of agony—in the ferocious, the cold-blooded, and the brave, in the daring or the bad, all tender thoughts—all mild mercies will be drowned in the passions that will be excited; and they who could sell “Greenacre pies,” under the very gallows where he was hanging who gave his name to them; would hardly stop at any means of gratifying that desire to grow rich, which brought him to his end. These and all such, are those for whom alone the

punishment of death is still preserved; and these are precisely those upon whom it makes no impression. The good and the faint-hearted, need no terror to stare them from crime; the determined despise it. When mere robbery was a capital offence, men became robbers from that bad ambition which urges every man upward, inducing the satanic sentiment—

“Better to reign in Hell, than serve in Heaven.”

It would be a painful, but not unprofitable journey, to follow from the scaffold, those who are curious or cold enough to go there, and witness the dark thoughts and darker deeds brought into life, by another man's death; it would form a startling statistical account, could the number of those who sympathise with the victims, be separated from those who thereby acquire respect for the law; and it would solve some difficult moral problems, if it should be found that the soft hearted, the truthful and the kind, were those who pitied the criminal, and forgot his crime in his fate; and who for the first time in their lives felt a desire for revenge, not against individual vice, but legislative tyranny.

The noise and din of battle converts the man into the demon; the hat thrown up in a crowd, stirs twenty hearts to strife, that never strove before, and Donybrook fair witnesses many a fight, purely the offspring of former skirmishes. The sympathies of the passions have been little understood. Man has been attempted to be governed as a cold blooded animal, when in truth passion is almost his prerogative; love is not more infectious than hate, pity than revenge. Clothe but murder in judicial garb, lay the flattering unction to men's souls that society sanctions what passion prompts, and human life shall be held more cheap than the fashion of a shoe tie. Let New Orleans, South America, Spain, Italy, Asia,—let all the braves, of all the world convict me if I am wrong.

Capital punishment then, excites the propensities, whose food is blood, and in proportion to its frequent exhibition is the contempt entertained for it; an innate property of humanity this, given in mercy; for “it tempers the wind to the shorn lamb,” the back to the burden, it fits men to brave danger, it hardens them to despise it; it develops the military and naval hero, creates the civil assassin, and deters those only who need no curb;

whose livers lack gall, and who would be as fearful to witness a murder, as to commit one.

Upon every view, therefore, of human nature, it is worse than useless to take away life ; by every christian command it is forbidden ; in all nations the progress of civilization sweeps the gibbet from the land, and plants sweet and peaceful flowers in its place ; and there christianity is still but in name, where man thinks himself justified in lifting his hand against his fellow. If then the taking away the life of a sane man defeat its own object, a-fortiori, the life of a lunatic should be held sacred ; if it prevent not those who are capable of self-controul, it were worse than absurd to expect any effect from it upon those who are not, and I must be pardoned for thinking that “ it is practicable to amend the law in this particular.” But as we still retain this barbarous relic of ferocious times, and as law makers contend that it is just and necessary, not merely as a punishment but protection, a terror to evil doers, not a vengeance for past crimes ; the question arises,

WHAT ARE THOSE CIRCUMSTANCES WHICH SHOULD EXEMPT A MAN FROM PUNISHMENT, WHO MAY COMMIT A CRIME OBNOXIOUS TO IT?

Viewing it as a mere matter of punishment, the answer is simple enough, Ignorance, or the absence of evil intention, homicide by misadventure, or by persons ignorant of right or wrong, rescues a man from the capital penalty. Children, Idiots and Lunatics, ignorant of the nature and consequence of an act, are held by law to be irresponsible, and wisely so. Both in English and Scotch law this is the case, and I may be pardoned quoting your Lordship’s quotations as my authority. Mr. Justice Le Blanc lays it down as law, that to sustain the plea of Insanity, as exculpatory of a criminal act, a man must be “ incapable of distinguishing right from wrong ;” or from certain delusions, “ be at the moment insensible of the nature of the act he commits.” Mr. Erskine held that for a man to be considered guiltless in the eye of the law, he must at the time of committing a criminal act, have “ laboured under a delusion, and that the act done was committed with that delusion, and done under its influence ;” and the Scotch law is still more definite, when it declares that, “ to amount to a complete bar as to punishment, the Insanity at the time of committing an act, must have been of such a

kind as entirely to deprive the man of the use of his reason *as applied* to the act in question, and prevented him from knowing that he was doing wrong." Now this is a wise and just law, if the punishment of an individual for an act done be the whole and sole object in view; but as this has been shown to be incapable of *just* application, and as the law denies that punishment means anything more than prevention, I contend that a legal fiction is involved, legal uncertainty follows, and much of public dissatisfaction flows from it. If a lion attack me in the forest, I have a right to destroy him, in self defence. If a savage, a child, an idiot attack me, or threaten, should no other means of escape present themselves, I have a right to take their lives, to protect my own. I have equally a right to delegate this authority to any superior power, recognized as such, and therefore in cases of murder so far as prevention goes, it would appear that *there is no state of mind, which should exempt a man from the highest penalty awarded to the offence!*" But this involves a sophism: If the theory of the law do not, the practice does, recognise punishment, not merely as a terror to the wicked, but as a correction to the criminal punished, the double object is sought in every verdict, in every sentence, except in that of death, (and if for that one reason only, that by it the individual cannot be corrected, and is cut off from repentance, should it no longer defile our statute book,) even in our nurseries, punishment has the effect of correcting: the cane, the rod, privations of every kind, are all administered, that the child may do so no more: and even lions and tigers may be nightly seen forgetful of their power, and their ferocity, licking the hand of him who has, "flogged the devil out of them." If moral responsibility belong not to brutes, social duty does, and the animal that bites another, may be punished into quiet and peacefulness. *We cannot alter his disposition, but we may prevent his acts.* 'Tis precisely thus with children, you cannot teach them the moral enormity of an act, but you may punish them for committing it, and you thus prevent its recurrence. Idiots are not amenable to ordinary motives, but they shrink from the stern eye of a strong mind, and remember a punishment to the resistance of a temptation. Still the almost entire absence of controuling power in most; and in complete Idiots, the utter want of it, emancipates them from all responsibility either to God or man. Again, if my definition of Insanity

given in the preceding pages be correct,—if it really consist, “in the excitement of any of the mental faculties, beyond the controul of the remainder,” the lunatic is also irresponsible; *but only for those acts that emanate from the excited faculty*. If all the ordinary, and extraordinary, motives to human action fail to arrest an impulse; if the desire to destroy urge a man upon the points of protective bayonets, arm his hand against the lives of those he best loves, or against himself—*not as a means to an end, but as the end itself*;—if the gratification of a desire constitute the one imperious demon of a life, against which all hopes and fears are unable to prevail. If a man follow a phantom, and fancy it a substance, and more firmly hug the delusion the more it cost him; that man is no judge of the right or wrong mixed up in his doings, he is clearly irresponsible, nor would his punishment deter any one labouring under the same affliction from the same course, although that punishment were death. He would not be mad, were he as to his delusion, amenable to *any* controul, and the tighter he should be curbed, the more he would champ the bit. If terror could convince, it would cure, and the dungeons and whips of our forefathers would have been instruments of mercy, instead of torture as they were.

Punishment, then, either as a matter of prevention or of cure, would, if applied to a *perfect* madman, be as useless as unjust. When a man's brain is so diseased, that *all* his feelings are uncontrollably excited,—when his intellect itself is clouded,—false perceptions deceive, and confused reflections follow; when, in short, complete mania is present, and the whole mind involved, then, would *all* punishment be an abuse so palpable, that none but a brute would dream of it. But mania so complete as this, is not frequent, nor often permanent; and when it does appear, the danger to all around is so imminent, and restrictive measures so necessary, that the public is at once protected, by the restraints to which the patient is immediately subjected. The perfect restoration of health, sudden death, or permanent imbecility, usually follows such a state as this. But insanity seldom spreads itself over all the mind; the whole of the brain is rarely diseased: and although *monomania* or the disease of *one* faculty, is still more uncommon, although excitement of one portion of brain, rapidly in

volves more of its texture ; still, that kind of disease in which a few only of the faculties are damaged, is not merely common, but the general form, especially of curable insanity. Consequently, all deeds, words, and thoughts, emanating from those damaged sources, carry their own excuses ; *but all thoughts, words, and deeds, the results of motives, arising from the remaining healthy faculties, are still under the control of the individual* ; as it respects these, his judgment is unimpaired, as he knows their tendency and consequence ; is deterred, as regards them, by the ordinary restraints which influence healthy minds, and is, consequently, *as obnoxious as any other man to the responsibility involved*. It is from ignorance of this distinction, that judges have been puzzled, physicians confused, and public feeling outraged ; it is because a man, mad upon one point, has been held incapable of judging correctly upon any ;—a man unable to control one impulse, believed the slave of all,—that immunity has been extended, where punishment was due, the law cheated of a victim, and society of protection. It is this psychological error, which has hitherto bandaged the eyes of justice, and allowed an OXFORD and a BEAN to endanger the life, certainly to mar the happiness, of England's dearest sovereign,—the loved, the beautiful,

“ Discreetest, wisest, virtuouslest, best,”

Wife, mother, queen (a triple worth) have been subjected to outrage, from the malignant vanity of pseudo-madmen, and a nation's hopes almost blasted, because hungry fools were too idle to work ! It is because the law makers, and law expounders, hold the mind to be one, and the brain one, both in health and disease ; it is because they have not yet shaken off the childish term, —“ A mind diseased,” that insanity has remained, even to our day, a reproach to the physician, and a stumbling-block to the judge ; and England's Premier is called upon to mourn his bosom friend, whose manes are unappeased, whose assassin is suffered to escape. I grant that the law does, in theory, recognise the distinction for which I am contending. It distinctly declares that immunity shall be extended, only to those acts which flow from a delusion ; but it does not see, that because a man has an insane idea that the Tories persecute him, his destructiveness is not therefore ne-

cessarily diseased; it does not know, that although in comparing his excited feelings with the remainder, reason staggers and sinks abashed, he can nevertheless, compare all the healthy feelings of his mind with each other, as accurately as any other man. M'Naughten could not help *feeling* that the Tories persecuted him: but, as the Editor of the *Times* justly reasons,—what, if instead of a fancy, it had been a truth?—what, if as in the case of Dillon, wrong had been heaped on wrong, until the heart burst?—what justification was this, for taking the law into his own hands, and committing murder, because he was distressed? Intensity of feeling is to be pitied, not punished: if permanently excited, it must be cared for; but no longer let the fatal mistake be committed, of excusing a healthy feeling, because some other one is diseased; as well might all the soldiers in a regiment, all the members of a community, be held irresponsible, because a civilian might be mad, or a soldier drunk; as well might a man be excused working with his hands, because he was crippled in his legs; or justified in sullen silence, because he happened to be blind.

Put this to the test, my Lord; send a Committee of plain sensible men—not physicians, whose minds are still the repository of worn-out hypotheses,—but sound judging men, without prejudice; send them to the wards of Hanwell, Bethlem and St. Luke's; let the worst cases there of partial insanity be selected, and if destructiveness be not diseased, if a craving for blood be not the thirst that is upon them, if tattered rags, blasphemy, and violence, attest not the excitement of the carnivorous impulse; if they be cases of partial, not general insanity; if there be any green curtain of repose in the mind, and all be not “sound and fury, signifying nothing,” let each and all be asked, what any man should suffer,—what they themselves should deserve, should they attempt to take away human life? And with one voice they will all, without exception, — ALL, cry — Death! Death! Death! There haply may be here and there a wretch, who has brought into his asylum the perversions of early wickedness; a man, perhaps, who, considered sane by others, and thinking himself so, grudged the infringement of his liberty, which the public gathering up of individual rights

had seemed to inflict; one who would ever like in his own person, to work out the wild justice of revenge; a savage among the civilized—a brute among men; one who deifies selfishness and calls it freedom. There may be found here and there one of this class, who, wronged or not, would like to plunge the knife into his enemy's heart—and he may tell you so. But he, my Lord, was mad from birth—a moral lunatic, whom the law does not recognise, but Phrenology does,—one who should have been cared for from the first; for he is but an incarnation of the sins of his forefathers from “the third and fourth generation;” and his impulses are no more insane now, than they ever were. But let the dreamer of dreams, the seer of visions, the fancied king, the demi-god;—let those who “fancy the world a stage, themselves poor players;” or, let those who imagine the hate they mourn, reject the love they covet, suspect the friend who serves, and love the foe that robs them:—let all such as revel in ideal wealth, or sink under fancied wrongs, who “deny their parents and refuse their names,” weep for children which were not, and despise those which are;—let one and all, of whatever shade of madness—not destructive, not universal—be asked the simple question—what does he deserve who murders? and again, I say, the cry would be—Death to the traitors! Death!—My Lord, they all know right from wrong, where any faculty is concerned, not maddened by disease; they can all converse most truly upon all affairs, not seen through the darkened glass of their own delusions. How cleverly yon lunatic who thinks himself an Emperor, will teach you the cunning of his craft; and with what accuracy will he who fancies Golconda's mines his own, tell you the prices of his daily food, and the cheapest market for its purchase. Ask yonder mope, who mourns the dead, to talk to you of war, and if he have been a soldier, he will tell—

“Of moving accidents by flood and field,
Of hair breadth 'scapes i'the imminent deadly breach:”

give you each circumstance in most correct detail, and act the soldier over again, with as much truth as

though his mind had never “toppled o’er.” Talk to all upon any subject but that on which they are cracked:—

“Take any shape but that,
And their firm nerves will never tremble,”

but they will prove themselves to be as sound, as natural, as conscious of right and wrong, as the healthiest mind amongst us. But again, I shall be told that the law recognizes this; and again I ask, does it act upon it? Was it proved, or attempted to be proved, that in Bellingham, the desire to take life was an uncontrollable passion? was he lashed on by a fury that would be satisfied with nothing but a human sacrifice? or, did he not coolly and rationally, out of his evil heart, revengefully determine to redress his own wrongs? did he not seek the life of his oppressor; (and, although he found it not, did he not shoot one of the party, and that its head,) and all this under the ordinary motives which influence malicious men? Was Oxford labouring under a delusion, terminating in homicidal climax? did he even pretend to be so? was he, or was he not, perfectly aware that wrongfully to kill, was murder; that, in shooting at the Queen, he attempted murder; and did he deny, does he now deny, that, in the present state of the law, he who attempts to murder should be hung? Save and except the paltry desire for notoriety or bread, had Bean any one justification for his real or pretended villainy? And, although Mc Naughten is undoubtedly mad, ask him now,—now, that the fear of death is not before his eyes,—and if he tell you that in shooting Mr. Drummond, or in fancying that he had shot Sir R. Peel, he believes that he was justified; that he did not know it would be murder, and, as such, deserve its recompense; then I know nothing of insanity.

WHAT, THEN, IS THE REMEDY? HOW ARE LUNATICS
TO BE DEALT WITH?

In considering this question, it will scarcely be thought wandering from the subject, if I advert to the most proper mode of treating incipient insanity, before dealing with it judicially. And, in order to do this

properly, I must describe the most prominent causes of the disease. To hereditary organization, must undoubtedly be assigned the chief place: not hereditary disease, but hereditary tendency to disease; a man born of consumptive or gouty parents, may pass through a long life free from all disease whatever; but, if attacked, he who has inherited the narrow chest of his parents, will probably become consumptive rather than gouty, and so of every ailment to which the human race is liable. Like produces like. Man, in his animal economy, is subject to the same laws as those which govern brutes; and, although the idea of improving the breed by marriages, wisely entered into for this very purpose, may be laughed at as visionary, yet, it is certain, that until a system be adopted, having this object in view, the human race will continue the only one left subject to the degeneracy of accident; the only stationary one, or worse. Great as may be the power of domestication, which is but another term for education; Lawrence, Spurzheim, and indeed, all physiologists agree, that climate, occupation, and habits, *transmitted from parent to child*, constitute the differences observable in the human race;* and, speaking of the mass, Lavater would be correct when he says,—

“ The morally best are the most beautiful,
The morally worst the most deformed,”

Only that civilization has filled the world with individual exceptions, both good and evil. If, then, predisposition mean nothing more than organization, and if the character of this be derived from the parent, the first step preventive of insanity, would be to neutralize, by marriage, the too prominent tendencies of one sex, by an opposite development in the other: the world, however, is not yet ripe for this, so let it pass. We must prove the evil, but only hint at the remedy. Bichat and Haller, both thought that a want of regularity or conformity in the two hemispheres of the brain, predisposed to insanity. Gall agreed with Pinel, in thinking that irregular development of the brain does not produce insanity, but asserts that a great number of insane people have ill-proportioned heads; that, conse-

* Pritchard, Physical History of Man.

quently, a badly shaped head does predispose to it, just as a badly formed chest does to phthisis;† and Mr. Belhomme, in a thesis published in Paris, in 1824, remarked, that out of an hundred idiots and imbecile persons in La Salpêtrière, only fourteen had heads of a natural form, and these were imbeciles and not complete idiots. Esquirol observes, that “the heads of idiots are too large, or too small.” According to Camper, where the facial angle is less than 70, it makes the man an idiot or a brute; and Gall, Spurzheim, and Combe assert, with truth, that if an adult head measure less than fourteen inches, idiotism is the consequence. Now, as children derive their heads as well as their limbs from parents; constant intermarriages between similar conformations, will tend to increase the preexisting irregularity. If this exist in great comparative difference between various parts of the cranium, it is manifest that the line may be passed which separates health from disease; and, if generation after generation, very timid, or very proud people marry; the portions of brain manifesting these sentiments may so predominate, that a small matter will excite them into an activity, uncontrollable by the other mental powers.

Combe thinks with Spurzheim, that the intermarriage of blood relations for five generations, necessarily induces lunacy or idiotism. Jews, and gipsies, have so connected themselves for ages, without apparent mischief; and I confess myself unable to explain the anomaly. Our statistical accounts of the latter are not very precise, and there may be circumstances affecting the sons of Israel of which I am ignorant; but, from my own personal knowledge, the effect of such a custom has produced lamentable results. In the Isle of Man, out of fifty thousand, there were only two lunatics last summer, but idiotism was very common; especially in a parish near Castle Town. The union of relatives is the rule, not the exception; cousins, uncles, aunts,—all, indeed, within legal limits,—consider their relationship as an inducement, rather than a bar, to a nearer connexion; and idiotism is a frequent consequence of the continued habit. Age has an influence on insanity: “very young and very old people are hardly known to become insane, properly speaking.” The insanity of old age approxi-

† Gall sur les fonctions du cerveau, tom. ii p. 317, *et seq.*

mates to idiotism,—the controlling powers subside, the animal continue; and small provocation will excite them into unmanageable activity; hence the passion, the suspicion, the avarice, of old people, which, if not insanity, is assuredly mental derangement. Animals are subject to the same causes; they become morose as they grow old; the superior portion of the brain recedes, and the skull follows frequently to the extent of half an inch. (It is this superior portion of the cerebral mass which in man manifests the moral sentiments, and in brutes “emollit mores, nec sinit esse feros.”) And this result was found to have occurred in the head of the celebrated ourang-outang in the Zoological Gardens in the Regent’s Park; and accounted for the change which his temper underwent as he grew old. A scrofulous habit, the injudicious use of mercury, sudden and violent changes of temperature, a coup de soleil, disease in various parts of the body (whether produced by medicine or natural causes); anything, in short, which enervates, and, at the same time, excites, the nervous system, will, if sufficiently violent or long continued, produce such changes in the brain, as to bring on disease in that organ, and mental insanity as a consequence. But, the effect of mind on matter, or, more properly speaking, soul on body, has not been valued, even by phrenologists, at the importance it deserves. I speak not of the section of avowed materialists, who defile the science by professing it, and are as unphilosophical in argument as in fact; but of those who do feel within them thoughts, hopes, and fears, which can neither be weighed nor measured, and which thus evidence the possession of something not exhibiting the physical properties of bodies, and, therefore, immaterial. Even these right-thinking men have undervalued the power of steady and long continued exercise of any particular feeling *to increase the size of that portion of brain which is its agent*. The organ of veneration will grow, if excited by long and regular devotional exercise, such as prayer. Ideality will rapidly increase in the heads of artists and poets,—in Kenny Meadows it has so grown. Intellectual exercise enlarges the forehead even of the individual; this descends to his children; and a genuine Cambridge man,—a mathematician, not in name merely, but in practice,—may be distinguished from an Oxford or classical man.

Now, in all cases of mental excitement, increased action goes on in the brain ; if the excitement be too violent or long-continued, every state of disease, from simple head-ache to apoplexy, and even raging mania, may follow. It is unnecessary here to enquire into the change of structure which takes place in the brain (that will come more in place in a work on Phrenology which I am preparing for the press), but that some change does take place, is agreed on all hands. And when we reflect that very young children do not become insane, and that one of the surest causes of insanity, is mentally brooding on one idea ; that when (from idiosyncrasy or surrounding circumstances), some one feeling is ever active, forcing its unwelcome presence into our busiest moments, and most earnest thoughts ; colouring our dreams, until—"we first endure and then embrace ;"—and when we reflect that any interruption to this morbid train of thought, or feeling, by travel, change of occupation, or any other plan, is the surest means of cure, we may perhaps be inclined to consider the following hypothesis as explaining the proximate cause of insanity.

Whatever be the exciting cause, an increased impetus is given to the blood in the cranium ; in children, whilst the skull is separated and yields with ease, very little mischief follows ; but even if the pressure be greater than can be accommodated, insanity does not ensue. From the activity of life in childhood, inflammation is readily produced, and water in the brain the consequence. An attempt is made by nature to relieve congestion, by unloading the vessels, but the remedy is often worse than the disease, and death, too frequently, ends the scene. In old age the powers flag ; a diminution, not increase, of power occurs, and this is not an exciting cause of insanity. In middle age, mental action and cerebral labour may go on with safety within certain limits : but when sudden or durable pain in the head, premonishes danger,—keep this going, and the pressure of the brain, or some portion of it, upon the inner table of the skull, produces absorption of the bone : increase of power and change of disposition will follow, according as the organs exercised are, or are not, naturally prominent.

But if the excitement be sudden and violent, inas-

much as the adult skull is dovetailed together and cannot yield, so must the brain suffer, more or less, of functional, or organic derangement, and that state which I have described as constituting the essence of insanity follows. Precisely the same thing occurs in long-continued fatigue of an organ. A tired faculty will sleep, a distressed one cannot; absorption of bone does not keep pace with the brain's pressure; more room is required but not obtained, structural disorganization is the result, and insanity established. In all its stages, then, insanity is a corporeal disease, produced indifferently by mental or physical causes, and the remedy for it may be equally moral or material; it is to be pitied, not punished; unless, indeed, punishment can prevent. Now I fully agree with my Lord Brougham, that there are people of irritable fancy, who imagine a wrong and hug a delusion, as men smoke, from very idleness—

“ Who, when no real ills perplex them,
Will make enow themselves to vex them.”

And all that is necessary to cure them is to excite their volition by new objects; to remove them from all morbid associations, and to force mental exertion into new channels. Daily labour is an excellent preservative, and in some instances those who have witnessed the insidious and *unresisted* advance of the disease, have fancied that punishment, though it might not cure, would prevent. From the whole of the above, I am forced to the conclusion, that whatever may be the merits of hydropathy in other diseases, in insanity its effects ought to be of the most beneficial kind. That medical treatment has, up to this time, been purely empirical, all must allow who have studied the matter; from bark to laudanum, blisters to calomel, all has been empirical, without the slightest pretension to science; and, as a consequence, insanity still remains a bye-word and a reproach — the true *opprobrium medicorum*. Change of scene, a removal from home,—where every necessary watchfulness is construed into impertinence, every necessary restraint a tyrannical assumption, every word of advice a reproach,—is, above all, the one thing needful. Half the existing incurable lunatics have been tortured into their lamentable condition, by that blind

affection which refused to part with them, until the disease was too firmly fixed to be eradicated.

Passing from this, it is now time to meet the grand question :—

How are criminal lunatics to be dealt with, and what state of mind should exempt them from punishment ?

In all cases of insanity, those who understand it, (and permit me to think I have proved that none but Phrenologists do understand it), carefully distinguish between diseased and healthy lunatics; and although they never attempt to reason with a madman as to his delusions, or hold him responsible for them, they know full well that he is ever conscious of the responsibility involved in conduct emanating from feelings not diseased, and find some kind of privationary punishment effective in repressing those passions, from which the bridle has not yet been removed. Patients, themselves, are well aware of this, and I remember one who was accustomed to be violent and dangerous, when reasoned with, declaring as follows—“ You dare not injure me ; but if I were to murder you, the law could not touch me, for I am insane.” Here the nature and consequences of the act were plainly perceived, and although he never allowed himself to be a lunatic, he was quite willing to claim the privilege attached to the certificate of his being so.* Now the course to be pursued by judge and jury is clear enough. Let the laws of England be strictly enforced; let it be fully shewn that, the act done was one, the result of an insane feeling, *and not of a healthy feeling, acting under its guidance.* Let it be fully proved in the very next case of murder, that the individual was either ignorant of any intention to murder, or that he was impelled to it by some uncontrollable impulse ; and let no proof satisfy, except it be founded upon evidence detached from the act in question. If it can be proved that a certain individual was selected, plans laid, objects of notoriety, or revenge, sought ; if no plea can be urged, of the devil tempting, spirits commanding, or, with respect to the victim, strong delusion enforcing : but if, on the contrary, all the steps preceding the

* He was at this time very insane.

crime, as well as the crime itself, should be arranged and acted on, as they would be by a sane and desperate man; above all, if any consciousness of impunity shall have manifested itself in the criminal, then let the law take its course. Alter the law, my Lord; let not heaven be longer defied, or earth outraged by the death-struggle even of an assassin; but substitute imprisonment, with or without solitary confinement, and then will juries not hesitate to convict, nor judges to sentence, because the punishment can be nicely adjusted to the amount of criminality involved. But the punishment of death, though lawful, cannot be equitable; if politically expedient, it is unchristian; it cannot reform, it is unable to prevent; it leaves no room for repentance, and inflicts a definite punishment for an indefinite offence. The growing intelligence of the age demands its removal; and until we do repeal it, posterity may accuse us of judicial murders, upon the same principle that we must regard as murder all those frequent executions inflicted by our forefathers, for offences which we consider amply met by milder punishments. Hitherto property has been too much cared for, life too little; and although the transition to a better state of things may be difficult, it must be made: but if I plead for the guilty *one*, I would not unprotect the innocent *many*. And my only object in advocating milder punishments is, that they may be more certain, as I am convinced they would be more efficacious.

The haste with which this letter has been composed, is offered as an excuse for much inaccuracy, if not confusion of style. I have not attempted an essay upon insanity, but I do hope to have gathered from twenty years' experience, matters not unworthy even your Lordship's notice; and my end will be answered, if I can direct sounder heads into safer channels, and prevent the constellations of the earth from being made marks for every fool's bolt.

I am,

YOUR LORDSHIP'S

Most humble and obedient servant,

JAMES QUILTER RUMBALL.

